 FILED US Bankruptcy Court-UT  
JAN 28 2025 PM4:31

Johnathan Ryan Darger  
13887 S Lamont Lowell Cir  
Herriman, UT 84096  
(801) 671-5942  
E-mail: jndarger1@gmail.com  
*Third Party Intervenor*

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**IN UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH**

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In re:	Case No. 24-26705
Lorenzo Luciano Lopez	Chapter 13
Debtor	Judge: Joel T. Marker

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**NOTICE OF APPEAL AND STATEMENT OF ELECTION**

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**Part 1: Identify the appellant**

1. Name of appellant: **Johnathan Ryan Darger**
2. Position of appellant in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

- ☐ Plaintiff  
☐ Defendant  
☐ Other (describe) \_\_\_\_\_

For appeals in a bankruptcy case and not in an adversary proceeding.

- ☐ Debtor  
☐ Creditor  
☐ Trustee  
☒ Other: Third party with an ownership interest in the real property in question

**Part 2: Identify the subjects of this appeal**

1. Describe the judgment—or the appealable order or decree—from which the appeal is taken:

Appellant is appealing the following four appealable judgments, orders, or decrees:

1. Docket entry 28: ORDER GRANTING AUNTIE TUT TRUST'S MOTION FOR POST BANKRUPTCY RELIEF FROM THE AUTOMATIC STAY AND GRANTING RELIEF PURSUANT TO 11 U.S.C. § 362(d)(4)(A & B)

(Related Doc # 7). Description of Property: 13887 South Lamont Lowell Circle, Herriman, UT. Signed as modified by the Court.

2. Docket entry 29: Unsigned Order denying Debtor's ex parte request (related document(s):19 Pending Order filed by Debtor for his EX PARTE REQUEST BY DEBTOR FOR VOLUNTARY DISMISSAL OF CHAPTER 13 BANKRUPTCY CASE WITHOUT PREJUDICE PURSUANT TO 11 USC § 1307(b). Reason Order Was Unsigned: The Court will prepare its own dismissal order as discussed at the January 14,2025 hearing.

3. Docket entry 30 Order Dismissing Case with Prejudice for Debtor Lorenzo Luciano Lopez (related document(s):18 Auntie Tut Trust's Motion to Dismiss Case). Debtor Lorenzo Luciano Lopez BARRED)

4. Docket entry 31: Unsigned Order denying (related document(s):24 Pending Order filed by Third Party John Darger concerning Third Party's motion to intervene). Reason Order Was Unsigned: This motion was filed after the hearing had already begun and would not have altered the Court's ruling in any event. The case now being dismissed at the Debtor's request, this motion is also moot.

2. State the date on which the judgment—or the appealable order or decree--was entered:

**All of the subjects of this appeal were entered on January 14, 2025**

**Part 3: Identify the other parties to the appeal**

List the names of all parties to the judgment—or the appealable order or decree—from which the appeal is taken and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: Auntie Tut Trust

Attorneys:

Jeremy C. Sink (9916)

36 South State Street, Suite 1900

Salt Lake City, UT 84111

Telephone: (801) 239-3157

Email: jsink@kmclaw.com

Attorney for Creditor: Auntie Tut Trust

2. Party: Utah Chapter 13 Trustee

Attorneys:

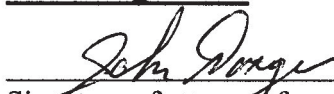
Lon A. Jenkins (4060)  
Tami Gadd (12517)  
MaryAnn Bride (13146)  
Katherine T. Kang (14457)  
465 South 400 East, Suite 200  
Salt Lake City, Utah 84111  
Telephone: (801) 596-2884

**Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)**

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

☐ Appellant elects to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

**Part 5: Sign below**

  
\_\_\_\_\_  
Signature of attorney for appellant (or appellant)  
if not represented by an attorney)

Date: 1-28-25

Name, address, and telephone number of attorney  
(or appellant(s) if not represented by an attorney):

**Johnathan Ryan Darger**  
**13887 S Lamont Lowell Cir**  
**Herriman, UT 84096**  
**(801) 671-5942**

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

[**Note to inmate filers:** If you are an inmate filer in an institution and you seek the timing benefit of Fed. R. Bankr. P. 8002(c)(1), complete Director's Form 4170 (Declaration of Inmate Filing) and file that declaration along with the Notice of Appeal.]

**CERTIFICATE OF SERVICE**


The undersigned hereby certifies a true and correct copy of the foregoing was served electronically via CM/ECF notification on this 28th day of January, 2025 on the following parties, if applicable, or served by first class mail, if applicable:

Lon Jenkins  
Chapter 13 Trustee  
ECF Notification

United States Trustee  
ECF Notification

Jeremy C. Sink (9916)  
KIRTON MCCONKIE  
36 South State Street, Suite 1900  
Salt Lake City, UT 84111  
Telephone: (801) 239-3157  
Email: jsink@kmclaw.com  
Attorney for Creditor: Auntie Tut Trust  
ECF Notification

Dated this 28th day of January, 2025.

  
\_\_\_\_\_  
Johnathan Ryan Darger  
Third Party Intervenor

**This order is SIGNED.**

**Dated: January 14, 2025**



**JOEL T. MARKER**  
**U.S. Bankruptcy Judge**



msc

***Order Prepared by:***

Jeremy C. Sink (9916)

**KIRTON MCCONKIE**

36 South State Street, Suite 1900

Salt Lake City, UT 84111

Telephone: (801) 239-3157

Email: [jsink@kmclaw.com](mailto:jsink@kmclaw.com)

Attorneys for Creditor: Auntie Tut Trust

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

In re:

LORENZO LUCIANO LOPEZ

Debtor.

Bankruptcy No. 24-26705  
(Chapter 13)

Judge: Joel T. Marker  
**[Filed Electronically]**

**ORDER GRANTING AUNTIE TUT TRUST’S MOTION FOR POST BANKRUPTCY  
RELIEF FROM THE AUTOMATIC STAY**

The Court has reviewed Auntie Tut Trust’s (“ATT”) *Motion to Dismiss Pursuant to 11 U.S.C. 707 and Motion for Post Bankruptcy Relief From the Automatic Stay* (“Motion), the *Objection to Motion of Auntie Tut Trust for Dismissal Pursuant to 11*

*U.S.C. 707 and For In Rem Relief Pursuant to 11 U.S.C. § 362(d)(4)* (“Objection”) and the Reply filed by ATT in support of its Motion. A hearing on the Motion was held before the Honorable Joel T. Marker on January 14, 2025. Jeremy C. Sink of Kirton McConkie appeared on behalf of ATT. Mr. Lopez did not appear.

Based upon the representations contained in the Motion, Objection, Reply, argument by counsel and good cause appearing the court made findings of fact and conclusions of law and read the same into the record at the January 14, 2025 hearing. Based upon the findings of fact and conclusions of law read into the record, incorporated herein by reference, and having good cause appearing therefor, it is hereby

ORDERED that ATT’s motion for relief from the automatic stay is granted for cause under 11 U.S.C. § 362(d)(1) and the stay provided under 11 U.S.C. § 362(a) is hereby terminated as to the real property located at 13887 South Lamont Lowell Circle, Herriman, UT 84096, which is more particularly described as follows:

**PROPERTY DESCRIPTION:**

LOT 114, HAMILTON FARMS PLANNED UNIT DEVELOPMENT PHASE 1  
ACCORDING TO THE PLAT THEREOF AS RECORDED IN THE OFFICE OF  
THE SALT LAKE COUNTY RECORDER.

TOGETHER WITH A RIGHT AND EASEMENT OF USE AND ENJOYMENT IN  
AND TO THE COMMON AREAS, DESCRIBED AND AS PROVIDED FOR IN  
THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS,  
AND ANY AMENDMENTS AND/OR SUPPLEMENTS THERETO.

TAX SERIAL NO. 32-03-428-017



It is further ORDERED pursuant to 11 U.S.C. § 362(d)(4)(B) that the filing of a future bankruptcy petition by any individual or entity will not extend the protection of the automatic stay of 11 U.S.C. § 362(a) to the real property located at 13887 South Lamont Lowell Circle, Herriman, UT 84096 for a period of two years from the date of entry of this Order;

It is further ORDERED that ATT is to record a copy of this signed order with the Salt Lake County Recorder's office to give notice of this Order to any subsequent owner of the Property; and

It is further ORDERED that the 14-day stay period under Federal Rule of Bankruptcy Procedure 4001(a)(4) is waived for cause shown.

#### **SERVICE LIST**

I hereby certify that a true and correct copy of the foregoing was served to the following via the court's ECF system on the date the order was signed:

- **Lon Jenkins tr** ecfmail@ch13ut.org, lneeb@ch13ut.org
- **Jeremy C. Sink** jsink@kmclaw.com, mcarlson@kmclaw.com
- **United States Trustee** USTPRegion19.SK.ECF@usdoj.gov

I hereby further certify that the above reply was mailed to Lorenzo Luciano Lopez and Johnathan Ryan Darger at the following address:

Lorenzo Lopez  
John Darger  
13887 Lamont Lowell Circle  
Herriman, UT 84096

Clerk of Court

**This order is not signed for the reason set forth above.**

**Dated: January 14, 2025**



Lorenzo Luciano Lopez  
13887 Lamont Lowell Cir  
Herriman, UT 84096  
Phone: 385-474-1541  
E-mail: lorenzolucianolopez@gmail.com  
*Pro Se Debtor*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH**

In re:

Lorenzo Luciano Lopez

Debtor

Case No. 24-26705

Chapter 13

Judge: Joel T. Marker

FILED US Bankruptcy Court-UT  
JAN 13 2025 PM 4:25

**ORDER DISMISSING CHAPTER 13 CASE ON REQUEST BY DEBTOR  
PURSUANT TO 11 USC § 1307(b)**

Upon consideration of the pro se Debtor's Request for Dismissal pursuant to 11 U.S.C. 1307(b) of the above referenced Chapter 13 Case filed on December 30, 2024, it is ordered that:

The request is granted, and the case is hereby dismissed and all automatic stays and any injunctions obtained by the debtor in any proceeding related to this case are hereby terminated and the provisions of 11 U.S.C. § 349 are herewith effective. The Chapter 13 Trustee is hereby directed to file a final report and account of his administration.

-----END OF DOCUMENT-----



### DESIGNATION OF PARTIES TO BE SERVED

Service of the foregoing **ORDER DISMISSING CHAPTER 13 CASE ON REQUEST BY DEBTOR PURSUANT TO 11 USC § 1307(b)** shall be served to the parties and in the manner designated below:

The parties of record in this case as identified below, are registered CM/ECF users and will be served notice of entry of the foregoing Order through the CM/ECF system:

Lon Jenkins  
Chapter 13 Trustee  
ECF Notification

United States Trustee  
ECF Notification

In addition to the parties of record receiving notice through the CM/ECF system, the following parties should be served notice pursuant to Fed R. Civ. P. 5(b).

No list of creditors was filed

This order is **SIGNED**.

Dated: January 14, 2025



JOEL T. MARKER  
U.S. Bankruptcy Judge



IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH

In re:	Bankruptcy Number: 24-26705
LORENZO LUCIANO LOPEZ,	Chapter 13
Debtor.	Judge Joel T. Marker

**ORDER DISMISSING CASE**

The Debtor filed the above-captioned chapter 13 case on December 30, 2024 without the assistance of counsel. On December 31, secured creditor Auntie Tut Trust filed a motion seeking both stay relief and dismissal of the case (docket #7), which came on for a hearing on January 14, 2025 at 2:00 PM at which the Debtor failed to appear. But on January 13, the Debtor filed his own ex parte request for voluntary dismissal of the case (docket #18). For the reasons stated on the record at the hearing, which are incorporated herein by reference, the Court found that both stay relief and dismissal were appropriate, and stay relief has already been granted by separate order. Now, it is hereby

**ORDERED** that this case is DISMISSED at the Debtor's request; and it is further

**ORDERED** that since "the [D]ebtor requested and obtained the voluntary dismissal of the case following the filing of a request for relief from the automatic stay provided by section

362 of this title,” the Debtor is prohibited from filing another bankruptcy petition for 180 days after entry of this dismissal order in accordance with § 109(g)(2) of the Bankruptcy Code.

\_\_\_\_ End of Document \_\_\_\_\_

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### **SERVICE LIST**

Service of the foregoing **ORDER DISMISSING CASE** will be effected through the Bankruptcy Noticing Center to each party on the official mailing matrix.

**This order is not signed for the reason set forth above.**

**Dated: January 14, 2025**



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John Darger  
13887 S Lamont Lowell Cir  
Herriman, UT 84096  
Phone: (801) 671-5942  
E-mail: jndarger1@gmail.com  
*Third Party Intervenor*

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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH**

In re:	Case No. 24-26705	PT FILED US Bankruptcy Court-UT JAN 14 2025 PM2:04
Lorenzo Luciano Lopez	Chapter 13	
Debtor	Judge: Joel T. Marker	

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**ORDER GRANTING MOTION TO INTERVENE FOR JOHN DARGER  
PURSUANT TO FRCP 24**

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Upon consideration of the third party intervenor, Third Party John Darger's motion to intervene pursuant to FRCP 24 in the above referenced Chapter 13 Case filed on December 30, 2024, it is ordered that:

The request is granted, and the John Darger is allowed to intervene in this bankruptcy case.

-----END OF DOCUMENT-----

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### **DESIGNATION OF PARTIES TO BE SERVED**

Service of the foregoing **ORDER GRANTING THIRD PARTY TO INTERVENE PURSUANT TO FRCP 24** shall be served to the parties and in the manner designated below:

The parties of record in this case as identified below, are registered CM/ECF users and will be served notice of entry of the foregoing Order through the CM/ECF system:

Lon Jenkins  
Chapter 13 Trustee  
ECF Notification

United States Trustee  
ECF Notification

In addition to the parties of record receiving notice through the CM/ECF system, the following parties should be served notice pursuant to Fed R. Civ. P. 5(b).

No list of creditors was filed